

REMARKS

I. Introduction

Claims 1 and 5 to 12 are pending in the present application. No claims have been amended. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 1, 5 and 7-12

Claims 1, 5 and 7-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,302,190 ("Clamp") in view of United States Patent No. 6,442,023 ("Cettour"). For at least the following reasons, Applicants respectfully submit that pending claims 1, 5 and 7-12 are patentable over Clamp.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claim 1 recites, in relevant parts, "wherein the cooling device includes at least one one-piece cooling tube integrally formed in, and seamlessly enclosed to, the bottom section," i.e.,

the cooling tube is seamlessly enclosed relative to the adjacent portions of the bottom section. In discussing the rejection, the Examiner acknowledges that “Clamp et al, fails to specifically teach or suggest that the entire bottom section including the one-piece cooling tube is formed of a single structural component without joining seams,” but the Examiner contends that Cettour “teaches a one-piece cooling tube (Generally 2) formed as a single structural component without joining seams (See Fig 1).” However, Cettour does not disclose that “the cooling device includes at least one one-piece cooling tube integrally formed in, and seamlessly enclosed to, the bottom section.” As Fig. 1 of Cettour illustrates (with the view of component 2 found at the bottom of Fig. 1), the **cooling channels 22** extending through component 2 **have twelve rectangular holes**, which holes align with micro channels 5 to form the assembled cooling tube. As stated in col. 3, lines 59 to 65 of Cettour, “[t]he micro-channels of the support plates 3 are **fed with cooling fluid by the two boxes 2** which are fitted to the frames 1, which boxes 2 have respective plane side faces provided with edges that match the outline of the frame 1, a sealing gasket that is not shown being interposed between each box 2 and the frame 1.” Accordingly, even if one focuses on component 2 (with cooling channels 22) individually, this component clearly does not satisfy the claimed limitation that “the cooling device includes at least one one-piece cooling tube integrally formed in, and seamlessly enclosed to, the bottom section,” i.e., the cooling channels 22 of Cettour have numerous holes along the length of the channels. In order to enclose the cooling channels 22, Cettour discloses at least a joining seam where the holes of the cooling channels 22 and micro-channels 5 join, and further seams at the sealing gasket. Thus, Cettour clearly does not disclose that “the cooling device includes at least one one-piece cooling tube integrally formed in, and seamlessly enclosed to, the bottom section.”

For at least the foregoing reasons, Applicants submit that claim 1 and its dependent claims 5 and 7-12 are not rendered obvious by Clamp and Cettour.

III. Rejection of Claim 6

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,302,190 (“Clamp”) in view of United States Patent No. 6,442,023 (“Cettour”) in further view of U.S. Patent 4,652,970 (“Watari”). For the following reasons, Applicants respectfully submit that claim 6 is patentable over the combination of Clamp and Watari.


Claim 6 depends on claim 1. As noted above, the overall teachings of Clamp and Cettour clearly do not suggest every feature of parent claim 1. In addition, Watari clearly does not remedy the deficiencies of Clamp and Cettour as applied against parent claim 1. Accordingly, even if one assumed for the sake of argument that some motivation existed for combining the teachings of Clamp, Cettour and Watari, with which assumption Applicants do not agree, the overall teachings of Clamp, Cettour and Watari would not render obvious claim 1 and its dependent claim 6. Therefore, the obviousness rejection of claim 6 should be withdrawn.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that all pending claims 1 and 5 to 12 of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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